

EXHIBIT D

BOIK, MICHELE

05/25/2018

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1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE EASTERN DISTRICT OF MICHIGAN
3 SOUTHERN DIVISION
4

5 ROBERT HUFF,

6 Plaintiff,

7 vs.

Case No. 2:17-cv-13556-SFC-EAS

8

9 VELO ASSOCIATES, PLC, ET AL.,

10 Defendants.
11 _____

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14 The Deposition of MICHELE BOIK,

15 Taken at 43695 Michigan Avenue,

16 Canton, Michigan,

17 Commencing at 10:57 a.m.,

18 Friday, May 25, 2018,

19 Before Joanne Smith, CSR-3099.
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1 APPEARANCES:

2

3 CURTIS C. WARNER

4 Warner Law Firm, LLC

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9 Appearing on behalf of the Plaintiff.

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17 Appearing on behalf of the Defendant.

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19 DAVID W. WILLIAMS

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25 Appearing on behalf of Sun Homes.

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1 MR. WILLIAMS: You can answer the question.

2 BY MR. WARNER:

3 Q. Is it like highrises? Is it mobile homes?

4 A. Mobile homes.

5 Q. Thank you. Does -- does Sun Homes, to the best of
6 your knowledge, does it enter into any types of
7 contracts?

8 A. Lease agreements, yes.

9 Q. Lease agreements are one. And that's for -- is Sun
10 Homes only for mobile home residences?

11 A. Mobile homes and we have RV parks as well.

12 Q. Okay. With the RV parks, it's lot rent?

13 A. Lot rents, site rent. It depends if they're leasing
14 the home or if they own the home and they're leasing
15 the site from us.

16 Q. So it could be -- As far as the RV's, there would be
17 then -- would there be one or two leases, one for
18 let's say renting the RV and another one for the lot?

19 A. Typically in an RV they bring their own RV into the
20 community.

21 Q. All right. Typically?

22 A. Right.

23 Q. But if not, there would be two leases; correct?

24 A. Yes.

25 Q. Okay. And for the, the mobile homes, is there two

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1 leases or one lease or -- is there one for the mobile
2 home itself and one for the lot?

3 A. There's a site lease and a home lease.

4 Q. Okay. And site lease means what I'm referring to as
5 like a lot?

6 A. Yes. They rent the site.

7 Q. They rent the site. So there's a legal description
8 that is associated with the site?

9 A. Yes.

10 Q. Okay. All right. And are you familiar with the types
11 of contracts for debt collection services that Sun
12 Homes enters into as part of its business?

13 A. The agreement with the collection agencies are you
14 referring to?

15 Q. Yes.

16 A. I'm not too familiar with them, no.

17 Q. All right. Do you know, as far as the collection of
18 any -- I'm just going to use the word debt -- it means
19 monies that are alleged to be owed -- I mean, so even
20 if the tenant says, "No, I don't owe that," I'm going
21 to use the word debt, okay, because it's alleged to be
22 owed, okay, so when there is a debt that has gone past
23 the 30 days, as far as Michigan goes, what collection
24 agency does Sun Homes use to try to collect that debt?

25 A. We currently have four collection agencies.

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1 Q. Okay.

2 A. Account Adjustment Bureau, which we call AAB, Rent
3 Recover, PBC, and there's and there's a new one called
4 Fishman Group.

5 Q. Fishman Group is a father and son team of lawyers?

6 A. I believe so. That's the newest one we just recently
7 entered so I'm not exactly --

8 Q. And Rent Recover is like Rent Recover NOI -- Hang on.
9 Let me -- Rent Recover of Better NOI, LLC?

10 A. Yes.

11 Q. Do you know whether or not your company is going to
12 have a continued relationship with Rent Recover of
13 Better NOI, LLC after the end of this month?

14 A. I don't know.

15 Q. They haven't notified you about any dissolution of
16 that company?

17 A. No.

18 Q. As far as AAB goes, who is the person at AAB that you
19 communicate with?

20 A. There's three individuals there.

21 Q. Okay. And who are those three individuals?

22 A. Pat Sommerville, Leah Hoults, I believe her last name
23 is, and Heather Ackers.

24 Q. And what is -- Do You Know Pat Sommerville's title?

25 A. I believe he's the manager or director.

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1 Q. Do you know how long Sun Homes has retained -- Strike
2 that. Do you know how many years back or when the
3 relationship first started between Sun Homes and AAB
4 Services?

5 A. I've been with the company, with Sun Homes for nine
6 years so I believe it was before that even.

7 Q. Okay. So a good 9 years at the minimum?

8 A. Yes.

9 Q. Great. Does Sun Homes contract directly then with AAB
10 for collection services?

11 A. Yes.

12 Q. And the same thing with Rent Recover? They contract
13 directly for Rent Recover services?

14 A. Yes.

15 Q. Does Sun Homes for any of these debts that are
16 outstanding contract directly with any law firms to
17 try and collect those debts?

18 A. Can you repeat the question?

19 Q. Sure. To your knowledge, in your position, does AAB
20 contract directly with law firms to hire law firms to
21 attempt to collect debts on behalf of Sun Homes?

22 A. Our contract is with the collection agency and if they
23 cannot pursue the debt, then they, they turn it over
24 to legal counsel to pursue the debt. And file suit.

25 Q. Once a -- Let's just say an account. It's a debt but

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1 MR. WILLIAMS: Yeah.

2 BY MR. WARNER:

3 Q. What is the -- what is Exhibit D that we have here,
4 that we've marked as Exhibit D? What type of document
5 is this?

6 A. It's a suit authorization. It's us giving permission
7 to the collection agency to file suit on the past debt
8 of Robert Huff and then it states the amount there.

9 Q. Okay. And is this a document that would have been
10 created by AAB?

11 A. Yes.

12 Q. Okay. And do you know if Sun Homes did any legal
13 analysis or, of this form called Suit Authorization,
14 Exhibit D?

15 A. I don't understand what you mean by legal analysis.

16 Q. Well, do you know if anybody at Sun Homes would have
17 taken this document to an attorney to look at it and
18 say, "Can you please tell me what this means? We're
19 asked to sign a suit authorization here"?

20 A. No.

21 Q. Okay. Can you look under the suit authorization --
22 there are three sentences. Can you read me the third
23 sentence and then tell me what it means?

24 MR. WILLIAMS: Can you just point out what
25 it starts with so we know we're looking at the same

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1 authorization documents that were in the form -- I'm
2 just saying form -- they're a form document, right;
3 would you agree?

4 A. Yes.

5 Q. So those prior form documents with authorizations,
6 would you sign -- before you signed the first one,
7 what was your understanding of what was being signed?

8 A. I would confirm the resident was correct and the
9 amount of the debt was correct.

10 Q. Okay. And that was -- in your job position, that was
11 something that you would want to do to insure the
12 accuracy of what the former tenant was going to be
13 sued for; correct?

14 A. Yes.

15 Q. Okay. There's a paragraph underneath -- There's
16 Williams' name and in all caps it says Assignment and
17 Appointment of Attorney. And can you read that first
18 sentence to me and then tell me what the meaning of
19 that sentence is, starting with the word "for and"?

20 A. "For and in consideration the promise of Account
21 Adjustment Bureau, a licensed debt collection agency,
22 to undertake the collection of certain amount, "of
23 certain money," excuse me, "certain money due us, I,
24 we, hereby irrevocably assign and transfer to the said
25 Account Adjustment Bureau, Inc."

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1 Q. What does that mean?

2 A. I believe and it's my understanding that we are
3 assigning this debt to Account Adjustment Bureau.

4 Q. The title and the rights to collect it; correct?

5 A. Yes.

6 Q. Okay. And have you -- I'm going to mark this as
7 Exhibit E.

8 MARKED FOR IDENTIFICATION:

9 DEPOSITION EXHIBIT E

10 11:29 a.m.

11 BY MR. WARNER:

12 Q. I apologize for the poor copy but this is how it's
13 been received.

14 Q. And do you know whose signature would be on this
15 document?

16 A. It's hard to read.

17 Q. I know. I could read yours. I could definitely read
18 yours. You have nice handwriting.

19 A. Thank you. I believe that is Victoria Cox.

20 Q. I would agree. It looks like a V and a short letter
21 so -- What does Victoria Cox do at Sun Homes?

22 A. She's no longer with the company. She was a former
23 loss mitigation representative.

24 Q. Okay. Going back to the -- This looks like a form
25 that we talked about before, a form you would have

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1 signed before; correct?

2 A. Yes.

3 Q. If you want to go back up to the third sentence, or
4 the first paragraph under the Suit Authorization, if
5 you can read that to me.

6 A. "Please complete this form by signing, dating and
7 returning to our office as soon as possible."

8 Q. So this looks nor like a complete form; correct?

9 A. Yes.

10 Q. So somehow -- would it be a fair statement that
11 sometime between July 1st and September 29th somebody
12 changed, somebody probably at Account Adjustment
13 Bureau changed the forms? The form of the form was
14 changed?

15 A. Yes, they are different.

16 Q. Right. The purpose and the meaning that we have just
17 talked about is the same in the two forms; correct?

18 A. Yes, correct.

19 Q. Are you familiar at all with the types of leases that
20 Sun Homes uses in Michigan?

21 A. Yes.

22 Q. And are those also -- I'll say forms -- they're pretty
23 much the same; maybe the name changes of the location,
24 the tenant's name changes, maybe the terms of the
25 amount of rent paid changes? That's what I mean by

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1 like a form.

2 A. Yes.

3 Q. Okay. And so other than, you know, for example, like
4 name, location, renter's name, amounts of rent, the
5 other terms and conditions would not vary from lease
6 to lease?

7 A. Right.

8 Q. Okay.

9 A. Yes.

10 MR. WARNER: Mark this as Exhibit F.

11 MARKED FOR IDENTIFICATION:

12 DEPOSITION EXHIBIT F

13 11:32 a.m.

14 BY MR. WARNER:

15 Q. And have you seen the document that we've marked as
16 Exhibit F before?

17 A. Yes.

18 Q. Okay. And is that your signature on the, on the
19 document?

20 A. Yes.

21 Q. I should know that. It looks nice. I can read it.
22 It's like the other one. Have you -- What did you do
23 before signing this affidavit, if you can remember,
24 regarding -- Well, first of all -- Strike that. First
25 of all, do you know what this affidavit refers to?